

In addition, the Applicant submits the pending claims are not obvious in view of the cited references, whether taken alone or in combination. The Applicant initially contends that art such as Krenzke is nonanalogous and thus should not be considered as part of the section 103 analysis. MPEP 2141.01(a). The Examiner has not shown why a person of ordinary skill in the art seeking to solve a problem of improving a cafeteria tray accumulator would reasonably be expected or motivated to look in the industrial oven art. "The combination of elements from non-analogous sources, in a manner that reconstructs the Applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination." *In re Oetiker*, 24 USPQ 2d 1443 (Fed. Cir. 1992). The Applicant submits the currently-amended claims eliminate art such as Krenzke from consideration. The rejection based on the combination of Krenzke with Elgharini is thus respectfully traversed.

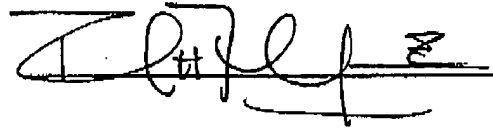
To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestions or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. M.P.E.P. § 2142. The Applicant submits that the suggestions required to establish a *prima facie* case of obviousness is not found in the prior art references. Without such a suggestion, a *prima facie* case of obviousness is not established. The Applicant thus submits that the unique cafeteria tray accumulator system now recited in the claims is patentable over the art.

In addition, the Applicant has submitted new claims 21-22 reciting the steps of retrofitting an existing cafeteria tray accumulator system with the system

of the present invention. The Applicant respectfully requests these claims to be examined.

Although the dependent claims include independently patentable limitations, the Applicant submits the independent claims are patentable over the art and has presented arguments in favor of the independent patentability of the dependent claims in this response. In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal Notice of Allowance for the claims.

Please call the undersigned attorney if any issues remain after this amendment.



Fred H. Zollinger III

Registration No. 39,438

Zollinger & Burleson Ltd.

P.O. Box 2368

North Canton, OH 44720

Phone: 330-526-0104

Fax: 1-866-311-9964

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I hereby certify that this correspondence (Amendment A in application serial no. 10/662,562 filed 9-12-2003) is being deposited with the United States Postal Service as first class mail (with sufficient postage) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, OR is being transmitted by facsimile to 703-872-9306 on January 18, 2005.



Fred H. Zollinger III, Reg. No. 39,438